

## Article - Natural Resources

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§3–106.

(a) The Director, after consultation with the Secretary of Natural Resources, the Secretary of the Environment, the Director of Planning, and the municipalities affected, shall determine appropriate boundaries for water supply service regions, wastewater purification service regions, and solid waste disposal service regions. Service regions shall be based upon needs set forth in, and provide integration of, approved State-county master plans for water and sewerage or solid waste disposal, adopted pursuant to the Environment Article, but also may take account of other plans and studies.

(b) As soon as possible after the determination of appropriate boundaries, the Director, after consultation with the municipalities affected, shall establish priorities for designating water supply service regions, wastewater purification service regions, and solid waste disposal service regions and formally designate the regions.

(c) Identical service regions need not be designated for water supply, wastewater purification and solid waste disposal projects. No part of the State may be included in more than one of these service regions.

(d) As soon as possible after designation of a service region, the Service shall cause surveys, plans, studies, and estimates to be made, and after consultation with the municipalities located within the service region, prepare a five-year plan for each service region for the most effective and economical means of providing water supply, wastewater purification and solid waste disposal projects. In preparing a five-year plan, the Service shall consider the effects of public versus private ownership of water and wastewater facilities upon the provision of dependable, effective, and efficient water and wastewater services. Except as required by an order of the Secretary of the Environment under § 3-109 or § 3-110 of this subtitle, the five-year plans shall be consistent with the approved county water and sewerage plans adopted in compliance with Title 9 of the Environment Article. The five-year plans shall designate the existing facilities or portions that are to be transferred to the jurisdiction of the Service; improvements to and extension of existing facilities; construction of new water supply, wastewater purification, and solid waste disposal projects; proposed methods of acquisition, ownership, and operation by the Service or by affected municipalities and persons, or both together with anticipated expenditures, sources of revenue, and charges for projects to be levied against municipalities, persons, and property; and related matters the Service finds necessary or convenient.

(e) (1) The Service may adopt a five-year plan only after at least one public hearing in each of the counties affected. At least 60 days before a hearing, the proposed five-year plan shall be submitted for review and comment to each county, to each municipality which owns or operates a public facility affected by the plan, and to the Secretaries of Natural Resources and the Environment and the Director of Planning. A five-year plan can be adopted by the Service only after it is submitted to and approved by resolution of the governing body of each county and after consultation with the governing body of each municipality which owns or operates a public facility affected by the plan, or if the plan is not approved by each of the appropriate governing bodies within 120 days following submission of the plan for approval of the governing bodies, after the plan is approved by joint resolution of the General Assembly. If a joint resolution of the General Assembly approving a five-year plan contains any amendments or modifications to the plan, those amendments and modifications repeal the plan to the extent of any inconsistency. The provisions of this subtitle do not authorize the Service to take any action which would be inconsistent with the amendments or modifications without the approval of the governing body of each county and after consultation with the governing body of each municipality which owns or operates a public facility included within the plan.

(2) Notwithstanding any other provision of this subtitle, if any bonds or notes issued by the Service with respect to a project in a service area are outstanding and unpaid, any 5-year plan, contract, or charges relating to a service district or project may not be amended, terminated, or reduced, as the case may be, without the written consent of the Service, and any 5-year plan, contract, or charges to the service district remain in full force and effect so long as any such bonds or notes remain outstanding and unpaid.

(f) Upon adoption of a five-year plan by the Service, service districts shall be established in the manner and following the schedule set forth in the plan. Immediately thereafter, the Service shall proceed with the acquisition, extension, and construction of facilities set forth in the plan and assume jurisdiction over and provide for the maintenance and operation of water supply, wastewater purification and solid waste disposal projects included in the plan, for those projects within the service region and districts placed under the jurisdiction of the Service by the plan.

(g) The Service may enter into contracts with municipalities and persons within a service district and stipulate the projects to be provided, the amount of compensation for acquiring existing projects, the charges to be apportioned to the municipalities and persons, the manner of repaying the Service for these charges, and the effective date or dates the Service will initiate the provision of projects.

(h) Existing projects providing water supply, wastewater purification and solid waste disposal services, including all rights, easements, laboratory facilities, vehicles, records and all other property, equipment, and furnishings necessary and

normally associated with the operation of the facility, shall be transferred to the sole ownership of the Service at the time designated in the five-year plan. Compensation for existing projects may be based on the original cost of the project minus an allowance for depreciation, or on other terms and conditions satisfactory to the municipality or person transferring the project. All costs and obligations assumed by the Service incidental to the transfer of ownership of an existing project shall be included in the charges apportioned to the service district.

(i) The Service shall review, update, and readopt the five-year plan for each service region biennially after review by the municipalities and persons concerned. The five-year plan may be updated and readopted by the Service only after at least one public hearing in each of the counties affected. Upon updating and readopting, the Service shall take the actions necessary to implement the revised plan.

(j) The Service by formal action, and after consultation with the municipalities affected, may extend the boundaries of service regions or districts, combine two or more service regions or districts or parts thereof and combine, abandon, extend, enlarge, improve, or make any other modification of projects serving one or more service districts, but no change may diminish any existing level of service rendered to the district or districts concerned.

(k) Within a wastewater purification service district, the Service is responsible for the purification and disposal of liquid waste as set forth in the five-year plan, including the residue resulting from purification, that is delivered to the Service projects through the sewer pipes of any municipality or person in the Service district, except that the Service may exclude or require preconditioning of any waste that might otherwise be harmful to structures or purification processes or endanger the health or safety of workers. Within the Service district no municipality or person may discharge liquid waste onto the surface of the ground or into the waterways of the State except through the projects of the Service or of a municipality or person designated by the plan or under reasonable conditions the Service stipulates.

(l) Within a solid waste disposal service district the Service is responsible for the disposal of solid wastes as set forth in the five-year plan. Within the service district no municipality or person may dispose of solid wastes except through the projects of the Service or of a municipality or person designated by the plan, or under reasonable conditions the Service stipulates.

(m) Within a water supply service district, the Service shall be responsible for supply and distribution of water as set forth in the five-year plan.

(n) With the consent of the county or municipal corporation in which a project is to be located, the Service may implement a project not provided for in the five-year plan adopted under this subtitle, service region, or service district

established under this section or if no five-year plan, service region, or service district has been established.

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